REMARKS

Claims 1-20 are pending. By this amendment, claims 1, 7, 12, and 19 are amended. No new matter is introduced. Reconsideration and issuance of a Notice of Allowance are respectfully requested.

Applicant thanks Examiners Yigdall and Nguyen-Ba for the courtesies extended to Applicant's representative during an October 13, 2004 personal interview. The substance of the interview is incorporated in the remarks that follow.

On page 2, the Office Action rejects claims 1 – 20 under 35 U.S.C. § 103 over U.S. Patent 5,590,056 to Barritz (hereafter Barritz). This rejection is respectfully traversed.

Considering claim 1, the Office Action asserts that Barritz discloses all the recited elements except that Barritz does not "expressly disclose inventorying and generating an inventory list of performance management tools." The Office Action then asserts that it would have been obvious to one of ordinary skill in the art that Barritz's inventorying includes inventorying performance management tools "because such performance management tools themselves are applications or program modules that would be identified."

Barritz is directed to an apparatus, and a corresponding method, for monitoring usage of computer programs, and similar events, and for recording such events. As discussed during the personal interview, Barritz uses a surveying program 12 to survey storage devices 14, 16, and 18 to determine the program modules that are present in the storage devices. *See* col. 4, lines 44 - 56. Barritz's apparatus then compares the names of the program modules found in the storage devices to names in knowledge base 20, and when matches are found, records information pertinent to the program modules in system configuration log 66. *See* col. 5, lines 29 – 34. Once the surveying program 12 has completed its tasks, a monitoring program 22 operates to record event data, such as usage, for the program modules. *See* col. 9, lines 12 – 22. Note that only the identities of the program modules are recorded in the configuration log 66. *See* col. 9, lines 27 – 33. These program modules are executable computer programs, and are not performance management tools or programs. To the extent that Barritz discloses any performance management program, that program is the monitoring program 22, and the monitoring program 22 is not included in the survey of programs on the databases 14, 16, and 18. *See* Figure 1. Note also that Barritz's apparatus is loaded into a computer system 10, the surveying program 12 is run, and then the monitoring program 22 is run. *See* col. 9, lines 12 – 22. At no time is Barritz's apparatus "restarted" to engage the monitoring program 22 or any other part of Barritz's apparatus.

In contrast to Barritz, amended claim 1 recites a method for automatically configuring performance management software in a computer system, comprising inventorying applications and performance management tools, generating an inventory list of the applications and the performance management tools, using the inventory list, generating a performance management tools configuration comprising specifying one or more of application-specific interfaces, performance thresholds, and alarms applicable to specific performance management tools and restarting the performance management software to engage the configuration of the performance management tools. Thus, claim 1 includes many features not disclosed or suggested by Barritz. Since all the elements of claim 1 are not disclosed or suggested by Barritz, claim 1 is patentable.

Considering claim 9, the office action apparently confuses the act of recording information related to a software module with the separate and distinct act of flagging application programs and performance monitoring tools to indicate an active status. The office action thus concludes that Barritz discloses the subject matter of claim 9. Recording program information, and flagging a program, are two distinct steps. To record means to put data into a storage device. Flagging means setting a variable to a prescribed state. *See, e.g.*, IEEE Standard Dictionary of Electrical and Electronic Terms, 6th Ed., IEEE Std. 100-1996, from which copies of relevant pages are attached. Applicant contends that one of ordinary skill in the art would recognize the difference between these two acts, as defined in the cited IEEE reference, and that one act one not disclose the other. Thus, claim 9 is patentable. In addition, claim 9 depends from patentable claim 1. For these reasons, claim 9 is also patentable.

Claims 2 – 7, 8, 10 and 11 also depend from patentable claim 1, and for this reason and the additional features they recite, claims 2 – 7, 8, 10 and 11 are also patentable.

Independent claim 12 is an apparatus claim that corresponds to method claim 1. For the same reasons as noted above with respect to claim 1, claim 12 is also patentable. Claims 13 – 18 depend from patentable claim 12, and for this reason and the additional features they recite, claims 13 – 18 are also patentable.

Independent claim 19 is a method claim generally corresponding to method claims 1 and 9. For the same reasons as noted above for patentability of claims 1 and 9, claim 19 is also patentable. Claim 20 depends from patentable claim 19, and for this reason and the additional features it recites claim 20 is also patentable.

In view of the above remarks, Applicant respectfully requests withdrawal of the rejection of claims 1 – 20 under 35 U.S.C. § 103.

Applicant respectfully submits that the application is in condition for allowance. Prompt reexamination and allowance are respectfully requested.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

Date: **October 25, 2004**

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Attachment

fixed-radix numeration system *See:* fixed-radix notation.

fixed-radix scale *See:* fixed-radix notation.

fixed real data *See:* fixed-point real data.

fixed routing A routing strategy for store-and-forward network, in which the next path to each specific destination is always the same at each point in the network. (C) 610.7-1995

fixed sequential format A means of identifying a word by its location in the block. *Note:* Words must be presented in a specific order and all possible words preceding the last desired word must be present in the block. (EEC/IA) [61], [74]

fixed signal The signal of fixed location indicating a condition affecting the movement of a train or engine. (EEC/PE) [119]

fixed storage (computers) A storage device that stores data not alterable by computer instructions, for example, magnetic core storage with a lockout feature or punched paper tape. *See also:* nonerasable storage; permanent storage. (C) [20], [85]

fixed temperature heat detector (fire protection devices) A device that will respond when its operating element becomes heated to a predetermined level. (NFPA) [16]

fixed threshold transistor (metal-nitride-oxide field-effect transistor) Another name for a metal-oxide semiconductor (MOS) type transistor, used in contradistinction to the metal-nitride-oxide semiconductor (MNOS) transistor, which has a variable threshold voltage. (ED) 581-1978w

fixed transmitter A transmitter that is operated in a fixed or permanent location. *See also:* radio transmitter. (AP/BT) 145-1983s, 182-1961w

fixed word length (test, measurement, and diagnostic equipment) Property of a storage device in which the capacity for bits in each storage word is fixed. (MIL) [2]

fixing (electrostatography) The act of making a developed image permanent. *See also:* electrostatography. (ED) [46], 224-1965w

fixnum A limited-precision computer representation for integers, where the limitation is imposed by machine-architecture constraints. *See also:* bignum. (C/MM) 1178-1990r

fixture *See:* luminaire.

fixture stud A threaded fitting used to mount a lighting fixture to an outlet box. *Synonym:* stud. *See also:* cabinet. (EEC/PE) [119]

flag (1) The first character of an ATLAS statement used to mark the statement as having a special purpose or capability. (ATL) 771-1989w

(2) A variable that is set to a prescribed state, often "true" or "false," based on the results of a process or the occurrence of a specified condition. *Synonym:* switch indicator. *See also:* indicator; semaphore. (C) 610.10-1994, 610.12-1990

(3) (A) (computers) Any of various types of indicators used for identification, for example, a wordmark. **(B) (computers)** A character that signals the occurrence of some condition, such as the end of a word. (C) [20], [85]

(4) (microprocessor operating systems parameter types) A yes/no or true/false value. (C/MM) 855-1985s

(5) A character that signals the occurrence of some event. Usually a field of 1 b. (PE/SUB) 999-1992

(6) A signal used to delimit packets in parallel signal transmission implementations. For example, in the 16bit parallel implementation the flag is a 17th signal. In some serial implementations special symbols could be used in place of flag transitions. (C/MM) 1596-1992

(7) A signal used to delimit packets in parallel-signal-transmission implementations. (C/MM) 1596.3-1996

flag alarm An indicator in certain types of navigation instruments used to warn when the readings are unreliable. *See also:* navigation. (AE) [42], 172-1983w, 686-1982s

flag register (A) A register used to hold one or more bit indicators called flags, for example: a register holding the negative, zero, and overflow bits. *See also:* condition code register. **(B)** A register used to hold a flag. (C) 610.10-1994

flame detector (1) (fire protection devices) A device which detects the infrared, or ultraviolet, or visible radiation produced by a fire. (NFPA) [16]

(2) (power system device function numbers) A device that monitors the presence of the pilot or main flame in such apparatus as a gas turbine or a steam boiler. (PE/SUB) C37.2-1979s

flame flicker detector (fire protection devices) A photoelectric flame detector including means to prevent response to visible light unless the observed light is modulated at a frequency characteristic of the flicker of a flame. (NFPA) [16]

flameproof apparatus Apparatus so treated that it will not maintain a flame or will not be injured readily when subjected to flame. (EEC/PE) [119]

flameproof terminal box A terminal box so designed that it may form part of a flameproof enclosure. (PE) [9]

flame protection of vapor openings Self-closing gauge hatches, vapor seals, pressure-vacuum breather valves, flame arresters, or other reasonably effective means to minimize the possibility of flame entering the vapor space of a tank. *Note:* Where such a device is used, the tank is said to be flameproofed. (NFPA) [114]

flame-resistant cable A portable cable that will meet the flame test requirements of the United States Bureau of Mines. *See also:* mine feeder circuit. (EEC/PE) [119]

flame resisting *See:* flame-retarding.

flame retardant (1) (Class 1E equipment and circuits) (nuclear power generating station) Capable of limiting the propagation of a fire beyond the area of influence of the energy source that initiated the fire. (PE) 384-1992

(2) So constructed or treated that it will not support flame. (PE/SWG) C37.100-1992

flame-retardant coatings A material applied to a completed cable or assembly of cables to prevent the propagation of flame when exposed to a flame source. Flame-retardant coatings include tapes, blankets, liquids, or mastics. (PE) 817-1993

flame-retarding (electric installations on shipboard) Flame-retarding materials and structures should have such fire-resisting properties that they will not convey flame nor continue to burn for longer times than specified in the appropriate flame test. Compliance with the requirements of the preceding paragraph should be determined with the apparatus and according to the methods described in the Underwriters' Laboratories Standards for the materials and structures unless specific applicable tests are invoked in these recommendations. (IA) 45-1983r

flame spread index A number or classification indicating a comparative measure derived from observations made during the progress of the boundary of a zone of flame under defined test conditions. (DEI) 1221-1993

flammable Subject to easy ignition and rapid flaming combustion. (DEI) 1221-1993

flammable air-vapor mixtures When flammable vapors are mixed with air in certain proportions, the mixture will burn rapidly when ignited. *Note:* The combustion range for ordinary petroleum products, such as gasoline, is from 1 1/2 to 6% of vapor by volume, the remainder being air. (NFPA) [114]

flammable anesthetics (health care facilities) Gases or vapors such as fluroxene, cyclopropane, divinyl ether, ethyl chloride, ethyl ether, and ethylene, which may form flammable or explosive mixtures with air, oxygen, or reducing gases such as nitrous oxide. (NEC/NESC) [86]

flammable anesthetizing location (health care facilities) Any operating room, delivery room, anesthetizing room, corridor, utility room, or any other area if intended for the application of flammable anesthetics. (NEC/NESC) [86]

flammable vapors Tl
uid at and above is

flange *See:* coupling

flange, choke (waveg
auxiliary transmiss
when used with a c

flange, contact (wav
conjunction with ar

FLAP A programmir
formulas and perf
tions.

flare-out (navigation
path of an aircraft
the appropriate rate
igation.

flarescan (navigatior
in conjunction with
flare-out vertical gu
space-coded vertic
vation angle data.

flash An on-hook/off-
ified lower and upp
party to the SPCS
sired. *See also:* di
timing.

flash barrier (rotati
material to prevent
damage caused the

flash card In microg
markings to be pho
crofilm. *Synonym:*

flash current (prima
dicated by an amm
directly to the tern
together with the r
also: electrolytic c

flasher A device for
extinguishing elect

flasher relay A relay
its contacts open
also: appliance.

flash indexing In mi
of microfilm into b
identify each of the
trieval. *Synonym:* f

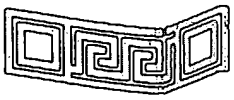
flashing light (illumi
which the periods o
shorter than the pe

flashing-light signal
dication of which i
tally and flashed alt
warning of the app
the indications are
of the signal lights.

flashing signal (telep
dicating a change
hook/off-hook, use

flashlight battery A
lamp of an electric
tery.

flashover (1) (gene
around or over the
tween parts of diffe
application of volt
sufficiently ionized



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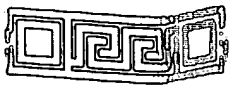

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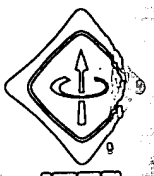

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